

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

103 JUL 25 1987

DOCKETED
JUL 26 1987

ATARI, INC.,
a Delaware corporation,

and

MIDWAY MFG. CO., an
Illinois corporation,

Plaintiffs,

vs.

Civil Action No. 81 C 6434

The Honorable George N. Leighton

NORTH AMERICAN PHILIPS
CONSUMER ELECTRONICS CORP.,
a Tennessee corporation,

PARK TELEVISION d/b/a
PARK MAGNAVOX HOME
ENTERTAINMENT CENTER,
an Illinois partnership,

and

ED AVERETT,
an individual,

Defendants.

NOTICE OF DEPOSITION

TO: THEODORE W. ANDERSON, Esq.
JAMES T. WILLIAMS, Esq.
Neuman, Williams,
Anderson & Olson
Room 2000
77 W. Washington Street
Chicago, Illinois 60602

DANIEL W. VITTUM, JR., Esq.
DAVID E. SPRINGER, Esq.
Kirkland & Ellis
200 East Randolph Drive
Chicago, Illinois 60601

JAMES ALESIA, Esq.
Reuben & Proctor
19 South LaSalle Street
Chicago, Illinois 60603

PLEASE TAKE NOTICE that, pursuant to Rule 30 (b) (6) of the Federal
Rules of Civil Procedure, plaintiff, Midway Mfg. Co., shall take the deposition of Trout &

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Reis on August 5, 1983 at 11:00 a.m., at the offices of Trout & Reis, 1212 Avenue of the Americas, New York, New York, upon oral examination before an officer authorized by law to administer oaths. The deposition will continue from day to day until completed.

Pursuant to Rule 30 (b) (6), Trout & Reis is required to designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, concerning:

(1) Consulting, advertising and other related services provided by Trout & Reis to N.A.P. Consumer Electronics Corp. ("NAP") in connection with NAP's "K.C. Munchkin" video game cartridge.

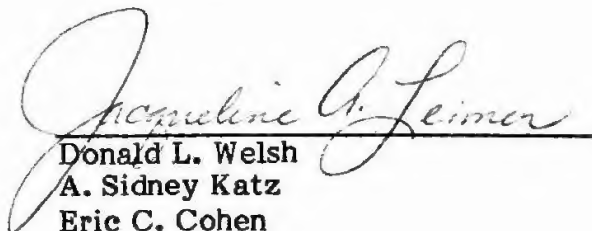
(2) Consulting, advertising and other related services provided by Trout & Reis to NAP in connection with NAP's video game business generally.

(3) Discussions, planning, and execution, if any, regarding the draft advertising copy attached hereto as Attachment A.

At its deposition, Trout & Reis is also requested to produce for inspection and copying all documents responsive to the attached Schedule A.

You are invited to attend and cross-examine.

Dated: July 25, 1983


Donald L. Welsh
A. Sidney Katz
Eric C. Cohen
Jacqueline A. Leimer
WELSH & KATZ
135 South LaSalle Street
Chicago, Illinois 60603
(312) 781-9470
Attorneys for Plaintiff,
Midway Mfg. Co.

Video.

Extreme closeup of munching;
closeup of maze.

Approximate
timing.

:08

Audio.

SON (excited):

Hey, that's him! That's, uh,
that's...

MOM (quickly):

No, it's K. C. Munchkin from Odyssey
And it's much better.

SON:

But it maneuvers through the
maze, it eats dots and blobs
just like... uh...

Full shot, screen and keyboard;
closeup of maze.

:09

MOM:

It's K. C. Munchkin from Odyssey 2.
With the only computer style keyboard
that lets you program more difficult
mazes. Invisible mazes. Even make
your own.

CONFIDENTIAL

Full shot, screen and keyboard;
medium closeup of cartridge,
keyboard and screen

:05

SON:

Let me try. Okay, K. C., start
munching. Hey! It is better.

Animated games and signature

:07

ANNCR:

It's K. C. Munchkin from Odyssey 2.
First again with the games
America wants most.

00022
00000

SCHEDULE A

1. All documents referring or relating to "K.C. Munchkin," including, without limitation:

(a) all advertising copy, whether used or not, including all preliminary drafts thereof;

(b) All internal memoranda;

(c) All media plans;

(d) All documents constituting, embodying, referring, or relating to communications with North American Philips Consumer Electronics Corp.;

(e) All documents constituting, embodying, referring, or relating to the consulting agreement between Trout & Reis and N.A.P. Consumer Electronics Corp.;

(f) All studies or analyses of the effectiveness of "K.C. Munchkin" advertising.

(g) All artwork prepared in connection with proposed, considered, or actual advertising of "K.C. Munchkin."

2. All Gallup & Robinson studies of Odyssey advertising.

3. All Odyssey² and Atari "owner studies."

4. All documents referring or relating to focus group studies or other market research with respect to Odyssey², "K.C. Munchkin," or Atari video games.

5. All documents referring or relating to "PAC-MAN."

6. All documents referring or relating to Midway Mfg. Co.

7. All documents referring or relating to Atari.

8. All documents referring or relating to Namco Ltd. or Namco America, Inc.

Definitions:

a. "K.C. Munchkin" means the video game which came to be known as "K.C. Munchkin", including the game as it was known at all preliminary stages.

CERTIFICATE OF SERVICE

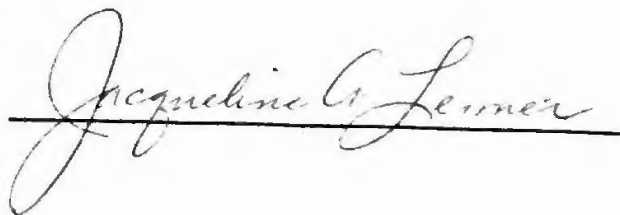
I, JACQUELINE A. LEIMER, one of the attorneys for plaintiff, Midway Mfg. Co., hereby certify that on July 25, 1983, I caused a copy of Midway's Notice of Deposition to be served on the following, by hand-delivery:

Theodore W. Anderson
James T. Williams, Esq.
Neuman, Williams, Anderson & Olson
77 West Washington Street
Chicago, Illinois 60602

James H. Alesia
Reuben & Proctor
19 South LaSalle Street
Chicago, Illinois 60603

and,

David E. Springer
Daniel W. Vittum, Jr., Esq.
Kirkland & Ellis
200 E. Randolph Drive
Chicago, Illinois 60601

A handwritten signature in cursive script, reading "Jacqueline A. Leimer", is written over a horizontal line.